

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JOHN ANTHONY CASTRO  
12 Park Place, Mansfield, TX 76063

Plaintiff,

v.

SECRETARY OF STATE MAGGIE  
TOULOUSE OLIVER  
325 Don Gaspar, Ste 300, Santa Fe, NM 87501

DONALD JOHN TRUMP  
1100 S. Ocean Blvd, Palm Beach, FL 33480

Defendants.

Case No. 1:23-cv-00766

**NOTICE OF NEW SUPPLEMENTAL AUTHORITY FROM  
THE FIRST CIRCUIT**

Plaintiff John Anthony Castro, in his appeal before the U.S. Court of Appeals for the First Circuit, has submitted, pursuant to Fed. R. App. P. 40 and 35, a Petition for Panel Rehearing and Rehearing *En Banc* to address numerous facts overlooked and law misapprehended by the First Circuit in order to fully develop the record prior to a *Writ of Certiorari* to the U.S. Supreme Court.

Plaintiff is making the Court aware of the mistakes made by the First Circuit in order to build the record for possible appeal here in the Tenth Circuit.

The First Circuit overlooked many key pre-filing facts and misapprehended the applicable law, which included, but was not limited to, evidence of digital campaign activities via Plaintiff's Presidential campaign website that was targeted toward New Mexico voters, evidence of social media digital campaign activities introduced by Donald John Trump, and evidence in the Verified Complaint's Verification Page of statements of intent regarding ballot-placed candidacy and their

analytical importance under the U.S. Supreme Court holding in *Golden v. Zwickler*<sup>1</sup> and 10th Circuit holding in *Columbian Financial Corp. v. BancInsure, Inc.*<sup>2</sup>, to incorrectly conclude that Plaintiff's campaign activities were "nonexistent." Miniscule and insignificant and not synonymous with "nonexistent." However, the First Circuit understood that miniscule and insignificant would still be recognized as an injury under *U.S. v. SCRAP*, so it concluded the activities were "nonexistent" even though the record clearly established otherwise just as it does in this case as well.

Dated: November 30, 2023.

Respectfully submitted,

By: /s/ John Anthony Castro  
John Anthony Castro  
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Mansfield, TX 76063  
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**Plaintiff Pro Se**

### **VERIFICATION**

Pursuant to 28 U.S.C. § 1746, I John Anthony Castro, verify under penalty of perjury, that the all of the statements of fact and law herein are true and correct.

Executed on November 30, 2023.

/s/ John Anthony Castro  
John Anthony Castro

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<sup>1</sup> See 394 U.S. 103 (1969).

<sup>2</sup> See 650 F.3d 1372, 1378 (10th Cir. 2011).

**CERTIFICATE OF SERVICE**

On November 30, 2023, I submitted the foregoing document with the Clerk of this Court either by mail, email, or CM/ECF. It is further certified that all other parties are registered CM/ECF users and will be served via that system.

/s/ John Anthony Castro  
John Anthony Castro